

REMARKS

Claims 13, 15-21, 23, 28-33, 39, 45, 46, 50, 53, 54, 57-60, 76-78, 85, 87-94, 96-98, 100-112, and 116-123, and 125-130 are pending and under consideration. No new matter has been entered. Applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the Office Action

1. Withdrawn Objections and/or Rejections

Applicants note with appreciation that the rejection of claims 21, 23, 28, 29, 50, 57-60, 76, 77, 85, 88, 89, 102-112, 116-123, and 125-129 under 35 U.S.C. § 112, first paragraph, scope of enablement, has been withdrawn.

Applicants note with appreciation that the rejection of claims 109, 112, and 119 under 35 U.S.C. § 112, first paragraph, written description, has been withdrawn.

Applicants note with appreciation that claims 13, 15-21, 23, 28-33, 39, 45, 46, 50, 53, 54, 57-60, 76-78, 85, 93, 94, 96-98, 102-112, and 130 are allowable.

2. Claim Rejections – 35 U.S.C. §112, First Paragraph, Scope of Enablement

Claims 87-92, 100, 101, 116-123, 125- 129 are rejected under 35 U.S.C. 112, first paragraph, for allegedly failing to enable one of skill in the art to practice the claimed invention. Applicants traverse this rejection and contend that the rejection is moot in light of the amended claims.

Applicants contend that the specification provides enabling disclosure for the previously pending claims. Nevertheless, to expedite prosecution, Applicants have amended claims 87-92, and claims dependent thereon, to recite a “PYY of SEQ ID NO:2 or biologically active fragment thereof” as suggested by the Examiner. Support for this amendment is found throughout the specification, *e.g.*, on page 6, 1st paragraph. Applicants’ amendments are not in acquiescence to the

rejection, and Applicants reserve the right to prosecute claims of similar or differing scope. In light of Applicants' amendments, reconsideration and withdrawal of the rejection is requested.

3. *Claim Rejections – 35 U.S.C. §112, First Paragraph, Written Description*

Claims 87-92, 100, 101, 116-123, 125- 129 are rejected under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the written description requirement. Applicants traverse this rejection and contend that the rejection is moot in light of the amended claims.

As discussed above, Applicants have amended claims 87-92, and claims dependent thereon, to recite a "PYY of SEQ ID NO:2 or biologically active fragment thereof." The Examiner notes on page 5, lines 14-15 that "the specification provides adequate written description for PYY polypeptide of SEQ ID NO:2 or biologically active fragment thereof or SEQ ID NO:3." As the amendments to the claims are believed to obviate the rejection, reconsideration and withdrawal are respectfully requested.

4. *Claim Rejections – 35 U.S.C. §112, 35 U.S.C. §112, Second Paragraph*

Claim 123 is rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants traverse this rejection and contend that the rejection is moot in light of the amended claims.

The Examiner contends that claim 123 is indefinite in the recitation of amino acid positions in absence of a referenced SEQ ID NO. Solely to expedite prosecution, Applicants have amended the claim as suggested by the Examiner to recite "PYY(3-36) of SEQ ID NO:3." Reconsideration and withdrawal of the rejection is requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945** under **CIBT-P01-058**.

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Respectfully submitted,

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